

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

PAUL C. BOLIN,) Case No. CV F-99-5279- AWI
)
Petitioner,) <u>DEATH PENALTY CASE</u>
)
vs.)
) ORDER GRANTING PETITIONERS
Eddie S. Ylst, As Acting Warden) REQUEST FOR MODIFICATION OF
of San Quentin State Prison,*) BRIEFING SCHEDULE
)
Respondent.)
)

This matter is before the Court on the Application of Petitioner Paul C. Bolin ("Bolin") to modify the previously established briefing schedule in the Court's January 27, 2006 Order Following First Phase III Case Management Conference (document #155). Under that order, Bolin's opening memorandum of points and authorities in support of the Amended Petition is due for May 30, 2006. The opposition brief of Eddie S. Ylst, As Acting Warden of San Quentin State Prison (the "Warden") is to be filed 120 days thereafter, and Bolin's reply brief is due 60 days after the filing of Warden's opposition brief.

In the present application, Bolin asks that the entire briefing schedule be pushed back approximately two weeks to permit completion of informal and formal discovery prior the drafting and finalization of his opening memorandum of points and authorities. Bolin explains

*Eddie S. Ylst is substituted for his predecessor, Steven W. Ornoski, as Acting Warden of San Quentin State Prison under Federal Rule of Civil Procedure 25(d).

1 that informal discovery requests currently are outstanding to the Kern
2 County District Attorney's Office and that a voluntary response is
3 anticipated late this month (April 2006). The response Bolin's
4 litigation team receives from the District Attorney's Office will
5 inform ensuing formal discovery requests, if any. Bolin does not
6 provide an estimate for when he anticipates filing a formal request
7 for discovery.

8 To avoid having to modify the briefing schedule a second time,
9 in the event Bolin decides to request formal discovery, the Court
10 establishes a due date for any formal discovery motion pursuant to
11 Rule 6 of the Rules Governing § 2254 Cases. That due date is May 15,
12 2006. Once discovery is authorized (if it is authorized), all formal
13 discovery should be completed by June 15, 2006. The Court grants
14 Bolin one month to assimilate any discovered materials into his
15 opening memorandum of points and authorities; the due date for that
16 document is on or before July 17, 2006. The Warden's opposition
17 points and authorities shall be filed within 120 from the filing of
18 Bolin's opening brief, and Bolin will file his reply brief in 60 days
19 from the filing of the Warden's opposition brief. Bolin will then
20 schedule the second Phase III CMC to be conducted within 30 days of
21 the filing of his reply brief.

22 IT IS SO ORDERED.

23
24 Dated: April 3, 2006

/s/ Anthony W. Ishii
Anthony W. Ishii
United States District Judge